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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,978	04/18/2001	Werner Metz	INTL-0489-US (P10269)	9073

21906 7590 01/11/2007

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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 01/11/2007

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/836,978
Filing Date: April 18, 2001
Appellant(s): METZ, WERNER

Mark J Rozman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 23, 2006 appealing from the Office action mailed December 22, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,377,249	Mumford	4-2002
6,689,966	Wiebe	2-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5-11, 14, 17-21, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mumford (US 6,377,249) in view of Wiebe (US 6,689,966).

As to independent claims 1, 11 and 20, Mumford discloses a method comprising, a processor (col. 6, lines 10-15), resolving a display into at least two regions (col. 6, lines 10-15); generating a different sequence of characteristic values in each corresponding to a primary color (col. 8, lines 7-47) in each of said regions until the position of a sensor with respect to said regions is determined (col. 17, lines 15-47, col. 18, lines 9-49). Mumford does not disclose wherein the different sequence corresponds to a unique sequence. Wiebe discloses a system and method for determining positional information, and in col. 11, lines 8-45, Wiebe discloses generating unique sequence of characteristic values to determine positions. It would have been obvious to one of ordinary skill in the art to incorporate the unique sequencing as shown by Wiebe in Mumford as unique sequencing in position determination are advantageous as there would be no errors or confusion in determining the position (col. 1, lines 60-67, col. 2, lines 37-51 of Wiebe).

As to dependent claim 14, limitations of claim 11, and further comprising, Mumford discloses wherein generating a different sequence includes generating a different sequence of only two color values in each region (col. 17, lines 15-47).

As to dependent claim 15, limitations of claims 11, and further comprising, Mumford discloses including generating a different sequence of at least three color values (col. 17, lines 15-47, RGB, and col. 19, lines 1-22).

As to dependent claims 5 and 26, limitations of claims 3 and 20, and further comprising, Mumford discloses including generating a different sequence of only two color values (col. 17, lines 15-47, grey scale).

As to dependent claims 6, 17 and 27, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including displaying a series of frames and interspersing, among said frames, additional frames having at least two regions each displaying a sequence of characteristic values (col. 18, lines 9-49).

As to dependent claim 7, limitations of claim 6, and further comprising, Mumford discloses including displaying said additional frames such that they are substantially undetectable by the user (col. 18, lines 9-49).

As to dependent claims 8, 18 and 28, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including generating a different sequence of characteristic values by displaying a time sequence of frames each including at least two regions, and each of said regions displaying a time sequence of characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claims 9, 19 and 29, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including interspersing frames containing said characteristic values and frames not containing said characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claim 10, limitations of claim 1, and further comprising, Mumford discloses including developing a sequence using fewer characteristic values than the number of regions (col. 18, lines 9-49).

As to dependent claim 21, wherein the display is coupled to said processor. Mumford discloses in Fig. 1, where item 12 is the display and item 16 is the computer processor, where the display and processor are shown to be coupled together.

As to dependent claim 30, limitations of claim 28, and further comprising, Mumford discloses wherein said sensor is a light sensor that detects a characteristic value in the form of light (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

(10) Response to Argument

With regards to claims 1, 6-7, 9, 11, 14, 17, 19-21, 27 and 30, Appellant argues where the prior art of Mumford does not teach generating a different sequence of characteristic values each corresponding to a unique sequence of primary colors in each of at least two regions of a display until the position of a sensor with respect to the regions is determined. Appellant argues on page 11 of the Appeal Brief, where the prior art of Mumford does not teach that the generating a different sequence in each of said regions. Appellant claims at least two regions, and generating in each of said regions, which is interpreted to be "in each of said at least two regions". Examiner, respectfully, disagrees. The prior art of Mumford teaches an electronic light pen used

in conjunction with a video display in order to determine the position of the light pen with respect to the display by a particular color sequence, wherein the colors are separated into primary colors. In column 17, lines 15-40 and column 18, lines 4-49, Mumford teaches the method for locating the position on the display, which is being touched by the electronic light pen. The method of Mumford comprises, dividing the display into at least two regions (shown in column 18, lines 9-10, as n mutually exclusive regions), and displays exclusive colors in the regions (shown in column 18, lines 15-21), wherein the colors are primary colors (shown in column 6, lines 10-15) and continually changing the colors in the regions until the location of the position of the sensor is determined (shown in col. 18, lines 22-43). Appellant argues where Mumford teaches that when it is determined that a sensor is not within a particular region of the display, values are no longer generated for that region. Examiner, respectfully, disagrees. Mumford teaches where the display is divided into n mutually exclusive regions, when the sensor is determined not to be in a specific region, values for that region are changed (column 18, lines 26-28). Mumford clearly states that there are always n mutually exclusive regions with changing color values until the location of the position of the sensor is determined (column 18, lines 22-44). Therefore, Mumford teaches where the mapping software will determine the exact location of the position of the sensor by repeating steps of the divisions of the display with changing the colors until the location is determined. The prior art of Wiebe is combined with the prior art of Mumford to disclose the concept of unique sequencing for locating position.

With regards to claims 5 and 26, Appellant argues on page 12, where the prior art of Mumford in view of Weibe do not teach or suggest generating a different sequence of only two color values in each of multiple regions of a display. Examiner, respectfully, disagrees. In

column 18, lines 50-53, Mumford teaches distinguishing between only two mutually exclusive colors. Therefore, Mumford teaches two color values.

With regards to claims 8, 18 and 28, Appellant argues on pages 12 and 13, where the prior art of Mumford in view of Wiebe do not teach displaying a time sequence of frames each including at least two regions and each of the regions display a time sequence of characteristic values. Examiner, respectfully, disagrees. Mumford discloses refreshing the display screen and time sequence of frames in column 19, lines 23-32. Therefore, Mumford discloses the time sequence of frames.

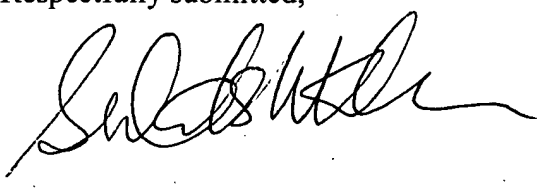
With regards to claim 10, Appellant argues on page 13, where the prior art of Mumford in view of Wiebe do not teach developing a sequence using fewer characteristic values than the number of regions. Examiner, respectfully, disagrees. Mumford discloses in column 18 where there is one extra region after the elimination of a region where the electronic light pen is not located. Therefore, Mumford discloses using fewer characteristic values than the number of regions.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

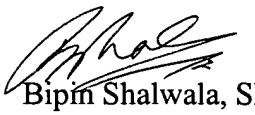
Respectfully submitted,



Srilakshmi Kumar, Assistant Examiner.

Conferees:

Richard Hjerpe, SPE Division 2629



Bipin Shalwala, SPE Division 2629